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Counsel for Defendant, Friedman & Friedman, Ltd.

Our File No.: ISB 36-047 EA

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAMES O'KEEFE and DEMODULATION,
INC.,

Plaintiff,

-vs-

FRIEDMAN & FRIEDMAN, LTD.,

Defendants

Civil Action No.: 2:16 cv 4866-SDW-LDW

**DEFENDANT FRIEDMAN & FRIEDMAN,
LTD.'S MOTION TO DISMISS
PLAINTIFFS' COMPLAINT PURSUANT
TO Fed. R. Civ. P. 12(b)(2) and 12(b)(6)
and IN THE ALTERNATIVE, Fed. R. Civ.
P. 12(b)(3).**

To: Keith A. McKenna, Esq.
The McKenna Law Firm, LLC
96 Park Street
Montclair, NJ 07042

PLEASE TAKE NOTICE that attorneys for Defendant, Friedman & Friedman, Ltd, will move before the United States District Court, District of New Jersey for an Order dismissing Plaintiffs' Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) and in the alternative, Fed. R. Civ. P. 12(b)(3).

{01189841}

PLEASE TAKE FURTHER NOTICE that the Defendant will rely upon the attached Brief and Certification of Elliott Abrutyn, Esq. submitted in support of this Motion.

PLEASE TAKE FURTHER NOTICE that this Motion is accompanied by a proposed form of Order and may be determined by the Court upon the papers submitted unless opposition is filed, at which time oral argument is specifically requested.

MORGAN MELHUSH ABRUTYN
Attorneys for Defendant, Friedman &
Friedman, Ltd.

By: /s/ Elliott Abrutyn
Elliott Abrutyn

Dated: September 6, 2016.

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CERTIFICATION OF SERVICE

I, **ELLIOTT ABRUTYN, ESQ.**, hereby certify that on September 6, 2016, I caused to be served via electronic filing, one (1) copy of the following documents on behalf of Defendant Friedman & Friedman, Ltd.:

1. Notice of Motion to Dismiss Plaintiffs' Complaint;
2. Brief in Support of Defendant's Motion to Dismiss Plaintiffs' Complaint;
3. Certification of Elliott Abrutyn, Esq., in Support of Defendant's Motion to Dismiss Plaintiffs' Complaint, with Exhibits;

4. Proposed Order;

5. and this Certification of Service

On the Clerk of the Court, United States District Court, 50 Walnut Street, Newark, New Jersey 07102 and the following counsel:

Keith A. McKenna, Esq.
The McKenna Law Firm, LLC
96 Park Street
Montclair, NJ 07042

I also served a courtesy copy of the aforementioned papers to the Honorable Susan D. Wigenton, U.S.D.J., United States District Court, M. L. King, Jr. Federal Building & Courthouse, 50 Walnut Street, Newark, New Jersey 07102 via Lawyer Service.

I CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: /s/ Elliott Abrutyn
Elliott Abrutyn

Dated: September 6, 2016.